

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE: SAUL ROSADO CARABALLO DEBTOR	CASE NO. 14-05160 (MCF) CHAPTER 13
--	---

**MOTION TO DISMISS FOR FAILURE TO PAY POST PETITION DSO OBLIGATION
AND CERTIFICATE OF SERVICE**

TO THE HONORABLE COURT:

HERE COMES creditor, Arlene Pedraza Montañez, by and through her undersigned counsel, hereby state and pray as follows:

1. Creditor, Mrs. Arlene Pedraza Montañez requests the dismissal of the instant case for debtor's failure to keep current in his domestic support payments pursuant to 11 U.S.C. 1307(c)(11). This Honorable Court has jurisdiction in this matter pursuant to 28 USC §1334 and 11 U.S.C. §1307(C) (1), (4), (6). Venue is proper under 28 USC §1408.
2. Debtor filed the instant voluntary petition on June 25, 2014. As part of the creditors listed, debtor listed Mrs. Pedraza Montañez in Schedule E of the petition in the amount of \$3,451.38. See Docket No.1.
3. Mrs. Arlene Pedraza Montañez is a priority creditor to the estate and is scheduled to receive a domestic support payment of \$169.00 monthly from the debtor through ASUME Case No. xxx7870, therefore, is a party in interest.
4. Debtor has not complied with his domestic support payments and has accumulated post-petition arrears in the amount of \$676.00, or the equivalent to four (4) months. See Exhibit 1: ASUME Debt Certification as of June 16, 2015. (Debtor's current accumulated debt pre and post-petition amount to \$4,127.38).
5. In its pertinent part, section 1307 (c)(11) of the Bankruptcy Code states that a case may be dismissed for cause for **"failure of the debtor to pay any domestic support**

obligation that first becomes payable after the date of the filing of the petition”.

11 U.S.C. §1307 (c)(11), emphasis ours.

6. Creditor requests the dismissal for cause in the light of debtor's failure to make post-petition domestic support payments.
7. In compliance with LBR 9013-1 Movant has obtained a certification from the Department of Defense Manpower Data Center that Debtor is not in active duty or under call to active duty, in accordance to the provisions of the S.C.R.A. (*See Exhibit 2*).

WHEREFORE, creditor requests this Honorable Court to enter an order granting the dismissal of the instant case.

NOTICE

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerks office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE

I HEREBY certify that on this date this document was electronically filed the with the Clerk of the U.S. Bankruptcy Court for the District of Puerto Rico using the CM/ECF system, which will send notification of such filing to all registered participants, including: Roberto Figueroa, Esq., attorney for debtor; José R. Carrión., Chapter 13 Trustee and Monsita Lecaroz,

14-05160 (MCF)
Motion to Dismiss
Page 3

Esq., Assistant U.S. Trustee. A copy of this document was sent by First Class mail to: Saul Rosado Caraballo, Urb. San Rafael D-20 Calle 1 Caguas, Puerto Rico 00725.

RESPECTFULLY SUBMITTED.

In Caguas, Puerto Rico, on June 24, 2015.

/s/Liliana Rodríguez-Rivera, Esq.
(U.S.D.C.-P.R. 229109)
Ramos Law Office
P.O. Box 9688
Caguas, Puerto Rico 00726
Tel./Fax: (787) 961-5831
E: lilrodz33@yahoo.com

Exhibit 1



ESTADO LIBRE ASOCIADO DE
PUERTO RICO
Administración para el Sustento de Menores

Fecha de Emisión: 6/16/2015

Issue date:

CERTIFICACION

CERTIFICATE

Nuestro sistema mecanizado contiene la siguiente información:

Our automated case management system has the following information:

ARLENE PEDRAZA MONTANEZ no tiene la obligación de pagar pensión alimentaria a través de ASUME.
ARLENE PEDRAZA MONTANEZ does not have obligation to pay child support through the ASUME.

Caso Case	Pensión Fijada Support Established	Frecuencia de Pago Payment Frequency	Fecha Último Pago Last Payment Date	Balance adeudado Arrears Due	Plan de Pagos Payment plan	Frecuencia Plan de Pagos Payment plan frequency	Fecha en que se estableció Plan de Pagos Payment Plan establishment date	Fecha último pago registrado del Plan de Pagos Date of last payment for payment plan
0497870	\$169.00	MENSUAL	4/14/2015	\$4,127.38				

En este caso los alimentistas NO recibieron asistencia económica del Programa Ayuda Temporal a Familias Necesitadas 'TANF'.
In this case, the obligees received NO economic assistance from the Temporary Assistance for Needy Families Program – TANF.

ARLENE PEDRAZA MONTANEZ NO se encuentra acogido/a a la Ley de Quiebras.
ARLENE PEDRAZA MONTANEZ IS NOT under the protection of the Bankruptcy Act.

Tiene 0 obligación(es) de pagos de pension(es) alimentaria(s) a través de ASUME.
Has 0 child support obligation(s) through the ASUME

Recibe pensión alimentaria a través de ASUME en 1 caso(s):
Receives child support through ASUME in 1 case(s):

0497870

Este documento resume la información contenida en el sistema mecanizado (PRACSES) de la Administración para el Sustento de Menores. Los pagos realizados directamente a la persona custodia no se registran como pagos de pensión alimentaria ni plan de pago. Deberá acudir a la oficina de la ASUME donde está asignado su caso para solicitar la acreditación de pagos efectuados fuera de ASUME. El balance de esta Certificación no incluye el mes en que fue expedida. La información de este documento es válida por treinta (30) días, a partir de la fecha de su emisión.

This document summarizes the information contained in the Administration for Child Support Enforcement automated system (PRACSES). Payments made directly to the Custodial Person are neither registered as child support payments nor as payments made for the payment plan. You must visit the ASUME office to which your case is assigned in order to request to credit those payments. The balance in this Certificate does not include the current month when it was issued. The information contained in this document is valid for thirty (30) days from its issue date.

2015061620150716078913

NOTA DE CONFIDENCIALIDAD: La información contenida en este documento y cualquier anexo del mismo es confidencial y privilegiada y tiene el propósito de que sólo sea utilizado por la persona identificada en el mismo.

CONFIDENTIALITY NOTE: The information contained in this document and any attachment is confidential and privileged and has the purpose of being used only by the person identified in it.

Para validar la información contenida en este certificado, favor acceder a <http://www.pr.gov/validacionelectronica/>.

To validate the information herein, please access <http://www.pr.gov/validacionelectronica/>.

ASM-526
REV 02/15

Exhibit 2

Department of Defense Manpower Data Center

Results as of : Jun-24-2015 04:00:54 PM

SCRA 3.0



Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: ROSADO CARABALLOFirst Name: SAUL

Middle Name:

Active Duty Status As Of: Jun-24-2015

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: Q8X7WDBCBZ107P30